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Autore	Freeman Mark <1968->
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6.2 Policy questions about the UN position
6.3 Alternatives to the current UN position; 7. CONCLUSIONS; PART II The Design of Amnesties; 1. INTRODUCTION; 2. LAST RE COURSE THRESHOLD; 2.1 Existence of an urgent and grave situation; 2.2 Exhaustion of appropriate options to end the urgent and grave situation; 2.3 Exhaustion of leniency options short of amnesty to end the blackmail; 3. OVERARCHING PARAMETERS FOR AMNESTY DESIGN; 3.1 A legitimate process; 3.3 Legitimate end; 3.4 Minimum leniency; 3.5 Maximum conditions; 3.6 Maximum viability; 4. SPECIFIC AMNESTY DESIGN CHOICES
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2004 - Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, UN Doc. S/2004/616, Paragraphs 10, 32, and 64
2005 - Report of Diane Orentlicher, independent expert to update the Set of Principles to combat impunity, UN Doc. E/CN.4/2005/102/Add.1, Principles 19 and 28; APPENDIX 3 Selected Excerpts from Jurisprudence on Amnesties; Abuse of Process; Conclusion; Amnesty in respect of criminal liability; Amnesty in respect of the civil liability of individual wrongdoers; The effect of amnesty on any potential civil liability of the state
Conclusion

Sommario/riassunto

This book is about amnesties for grave international crimes that states adopt in moments of transition or social unrest. The subject is naturally controversial, especially in the age of the International Criminal Court. The goal of this book is to reframe and revitalise the global debate on the subject and to offer an original framework for resolving amnesty dilemmas when they arise. Most literature and jurisprudence on amnesties deal with only a small subset of state practice and sidestep the ambiguity of amnesty's position under international law. This book addresses the ambiguity head on and argues that amnesties of the broadest scope are sometimes defensible when adopted as a last recourse in contexts of mass violence. Drawing on an extensive amnesty database, the book offers detailed guidance on how to ensure that amnesties extend the minimum leniency possible, while imposing the maximum accountability on the beneficiaries.